

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE INTUNIV ANTITRUST  
LITIGATION

This Document Relates to: *All Actions*

Civil Action Nos. 16-cv-12653-ADB (Direct)  
16-cv-12396-ADB (Indirect)

**DECLARATION OF LAUREN G. BARNES IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT AND  
TO EXCLUDE CERTAIN OPINIONS OF PLAINTIFFS' EXPERTS**

I, Lauren G. Barnes, hereby declare as follows:

I am a member of the bar of the Supreme Judicial Court of the Commonwealth of Massachusetts. I am a partner at Hagens Berman Sobol Shapiro LLP and lead counsel for the Direct Purchaser Plaintiff Class in this matter.

The exhibits to this declaration are cited within the plaintiffs' responsive summary judgment and *Daubert* briefing, which were contemporaneously filed by hand and under seal with the court, and include:

- Plaintiffs' Opposition to Defendants' Motion for Summary Judgment;
- Plaintiffs' Response to Defendants' Rule 56 Statement of Undisputed Material Facts;
- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Exclude Certain Opinions Thomas Fernandez;
- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Exclude Certain Opinions of Martha A. Starr and Christopher F. Baum;
- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Exclude Certain Opinions of Mansoor Amiji and Michael Cima;
- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Exclude Certain Opinions of Michael F. Johnson;
- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Exclude Certain Opinions of Thomas McGuire;

- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Exclude Certain Opinions of John Thomas, and
- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Exclude Certain Opinions of Shashank Upadhye.

Listed below and attached are true copies of the following<sup>1</sup>:

1. Attached as **Exhibit 112** is the Rebuttal Expert Report of Christopher Baum, Ph.D. dated June 24, 2019.
2. Attached as **Exhibit 113** is the Expert Report of Mansoor Amiji, R. Ph., Ph.D. dated March 29, 2019.
3. Attached as **Exhibit 114** is the Rebuttal Expert Report of Mansoor Amiji, R. Ph., Ph.D. dated June 24, 2019.
4. Attached as **Exhibit 115** is the Expert Report of Michael Cima, Ph.D. dated March 30, 2019.
5. Attached as **Exhibit 116** is the Rebuttal Expert Report of Michael Cima, Ph.D. dated June 24, 2019.
6. Attached as **Exhibit 117** is the Expert Report of John Thomas dated March 31, 2009.
7. Attached as **Exhibit 118** is the Reply Expert Report of John Thomas dated June 24, 2019.
8. Attached as **Exhibit 119** is the Expert Report of Shashank Upadhye dated March 31, 2019.
9. Attached as **Exhibit 120** is the Rebuttal Expert Report of Shashank Upadhye dated June 24, 2019.

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<sup>1</sup> Consistent with the protective order in this matter but without prejudice to the plaintiffs' ability to challenge the confidentiality of these documents, the exhibits listed here have been filed under seal.

10. Attached as **Exhibit 121** is the transcript from the deposition of Mansoor Amiji, R. Ph., Ph.D. dated July 19, 2019.

11. Attached as **Exhibit 122** is a transcript of the deposition of Michael Cima, Ph.D. dated July 9, 2019.

12. Attached as **Exhibit 123** is the transcript of the July 16, 2019 deposition of Michael Johnson.

13. Attached as **Exhibit 124** is the transcript of the July 2, 2019 deposition of Thomas McGuire, Ph.D.

14. Attached as **Exhibit 125** is the transcript of the July 16, 2019 deposition of John Thomas.

15. Attached as **Exhibit 126** is the transcript of the July 10, 2019 deposition of Martha Starr, Ph.D.

16. Attached as **Exhibit 127** is the transcript of the August 6, 2019 deposition of Shashank Upadhye.

17. Attached as **Exhibit 128** is Exhibit 16 to the David Buchen deposition, a press release dated April 25, 2013, "Shire Settles All Pending Litigation with Actavis and Watson Concerning Intuniv."

18. Attached as **Exhibit 129** is Exhibit 17 to the David Buchen deposition, an email chain from David Buchen dated April 22, 2013, which attaches Actavis Press Release dated April 25, 2013, "Actavis Reaches Agreement with Shire to Launch a Generic Version of Intuniv in December 2014."

19. Attached as **Exhibit 130** is a document, "Actavis Reaches Agreement with Shire to Launch a Generic Version of Intuniv in December 2014," dated April 25, 2013.

20. Attached as **Exhibit 131** is the transcript of the July 3, 2019 deposition of

Thomas Fernandez.

21. Attached as **Exhibit 132** is the Rebuttal Report of Thomas McGuire dated June 24, 2019.

22. Attached as **Exhibit 133** is Exhibit 11 to the Napoleon Clark deposition, Actavis's generic Intuniv forecast dated March 4, 2013, which was produced by Actavis which is Bates numbered Actavis-Int-0121780.

23. Attached as **Exhibit 134** is Exhibit 12 to the Napoleon Clark deposition, Actavis's generic Intuniv forecast dated March 13, 2013, which was produced by Actavis which is Bates numbered Actavis-Int-0121779.

24. Attached as **Exhibit 135** is Exhibit 14 to the Napoleon Clark deposition, email from Andrew Boyer to Toni Picone et al dated June 1, 2013 attaching FM-Guanfacine, which was produced by Actavis which is Bates numbered Actavis-Int-0114018 through Actavis-Int-0114021.

25. Attached as **Exhibit 136** is Exhibit 9 to the deposition of Thomas Kolschowsky, FWK Holdings, LLC Articles of Incorporation dated November 9, 2016.

26. Attached as **Exhibit 137** is Exhibit 18 to the Leonard Fasullo Deposition, Intunive CMC Meeting Minutes, April 25, 2013 through December 1, 2014.

27. Attached as **Exhibit 138** is the transcript of the October 23, 2018 deposition of Colman Ragan.

28. Attached as **Exhibit 139** is the transcript of the September 12, 2018 deposition of Andrea Sweet.

29. Attached as **Exhibit 140** is the transcript of the December 11, 2018 deposition of Christopher Masseeth.

30. Attached as **Exhibit 141** is the transcript of the October 17, 2018 deposition of

Gary Sender.

31. Attached as **Exhibit 142** is Shire's Supplemental Responses and Objections to Direct Purchaser Plaintiffs' Second Set of Interrogatories 4-6, 11, 14-15, 23-24 dated October 16, 2018.

32. Attached as **Exhibit 143** is Shire's Responses and Objections to Direct Purchaser Plaintiffs' First Set of Interrogatories dated January 12, 2018.

33. Attached as **Exhibit 144** is Shire's Stipulation regarding AG Lialda dated December 21, 2018.

34. Attached as **Exhibit 145** is Volume A of the September 17, 2012 transcript from the *Shire LLC v. Teva Pharmaceuticals* trial, which was produced by Actavis and which is Bates numbered Actavis-Int-00918559 through Actavis-Int-0018676.

35. Attached as **Exhibit 146** is Volume B of the September 18, 2012 transcript from the *Shire LLC v. Teva Pharmaceuticals* trial, which was produced by Actavis and which is Bates numbered Actavis-Int-0019001 through Actavis-Int-0019131.

36. Attached as **Exhibit 147** is Volume C of the September 19, 2012 transcript from the *Shire LLC v. Teva Pharmaceuticals* trial, which was produced by Actavis and which is Bates numbered Actavis-Int-0019492 through Actavis-Int-0019635.

37. Attached as **Exhibit 148** is Volume D of the September 20, 2012 transcript from the *Shire LLC v. Teva Pharmaceuticals* trial, which was produced by Actavis and which is Bates numbered Actavis-Int-0020019 through Actavis-Int-0020106.

38. Attached as **Exhibit 149** is an email from Stephanie Leon to Thomas Fernandez dated May 9, 2019.

39. Attached as **Exhibit 150** is a hearing transcript dated September 24, 2012 in *Shire LLC v. Teva Pharmaceuticals USA, Inc.*, No. 10-329-RGA (D. Del.) which was produced by

Actavis which is Bates numbered Actavis-Int-0018545 through Actavis-Int-0018558.

40. Attached as **Exhibit 151** is Anchen's Answering Brief to Plaintiffs' Motion for Dismissal of All Claims and Counterclaims Relating to the '290 Patent and Opening Brief in Support of Its Rule 12(C) Motion for Judgment on the Pleadings in the *Shire LLC v. Teva Pharmaceuticals* matter dated May 4, 2012, which was produced by Actavis and which is Bates numbered Actavis-Int-0022569 through Actavis-Int-0022582.

41. Attached as **Exhibit 152** is Defendants Actavis Elizabeth LLC's and Actavis, Inc.'s Post-Trial Reply Memorandum in Support of Their Proposed Findings of Fact and Conclusions of Law on the Issues of Invalidity filed on November 8, 2012 in *Shire LLC v. Teva Pharmaceuticals USA, Inc.*, No. 10:cv-329, ECF No. 495, which was produced by Actavis and is Bates numbered Actavis-Int-0081837 through Actavis-Int-0081854.

42. Attached as **Exhibit 153** is Defendants Actavis Elizabeth LLC's and Actavis, Inc.'s Post-Trial Findings of Fact and Conclusions of Law On the Issues of Non-Infringement dated October 25, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0026661 through Actavis-Int-0026688.

43. Attached as **Exhibit 154** is Exhibit 1, Statement of Stipulated Facts dated August 29, 2012, which was produced by Actavis and which is Bates numbered Actavis-Int-0027353 through Actavis-Int-0027357.

44. Attached as **Exhibit 155** is Actavis Elizabeth LLC's and Actavis, Inc.'s Responses to Plaintiffs' First Set of Interrogatories Nos. 1-4 in *Shire LLC c. Actavis Elizabeth LLC*, No. 10-329 (D. Del.) dated April 22, 2011, which was produced by Shire which is Bates numbered SHIREINT0024075 through SHIREINT0024165.

45. Attached as **Exhibit 156** is Plaintiffs' Brief in Support of Its Motion for Reconsideration in Part of the Court's Claim Construction Ruling filed on April 5, 2012 in *Shire*

*LLC c. Actavis Elizabeth LLC*, No. 10-329-RGA (D. Del.) which was produced by Shire which is Bates numbered SHIRE0028685 through SHIRE0028700.

46. Attached as **Exhibit 157** is Plaintiffs' Opening Brief in Support of Their Motion for Dismissal of All Claims and Counterclaims Relating to the '290 Patent and to Drop Plaintiffs Arnsten, Hunt, and Rakic from This Case filed on April 17, 2012 in *Shire LLC c. Actavis Elizabeth LLC*, No. 10-329-RGA (D. Del.) ECF 243 which was produced by Shire which is Bates numbered SHIREINT0028745 through SHIREINT0028757.

47. Attached as **Exhibit 158** is Actavis Elizabeth LLC's and Actavis, Inc.'s Brief in Partial Opposition to Plaintiffs' Motion for Dismissal of All Claims and Counterclaims Relating to the '290 Patent and to Drop Plaintiffs Arnsten, Hunt, and Rakic from This Case filed on May 4, 2012 in *Shire LLC c. Actavis Elizabeth LLC*, No. 10-329-RGA (D. Del.) ECF 263 which was produced by Shire which is Bates numbered SHIREINT0028880 through SHIREINT0028900.

48. Attached as **Exhibit 159** is an excerpt from U.S. Food & Drug Admin., Patent and Exclusivity for: N022037, Orange Book: Approved Drug Products with Therapeutic Equivalence Evaluations, 34th Ed.

49. Attached as **Exhibit 160** is the Declaration of Yuling Lin dated October 12, 2018.

50. Attached as **Exhibit 161** is an Order filed on June 20, 2012 in *Shire LLC v. Teva Pharmaceuticals USA, Inc.*, No. 10-cv-329-RGA, ECF No. 283, which was produced by Actavis and is Bates numbered Actavis-Int-0022806 through Actavis-Int-0022807.

51. Attached as **Exhibit 162** is the Declaration of Jamie Berlanska dated March 25, 2019.

52. Attached as **Exhibit 163** is a draft Settlement Agreement by and Among Shire LLC, Supernus Pharmaceuticals, Inc., AMY F.T. Arnsten, Ph.D., Pasko Rakic, M.D., Robert D.

Hunt, M.D. and Actavis, Inc., Watson Laboratories, Inc.-Florida, Watson Pharma, Inc., ANDA, Inc., Actavis Elizabeth LLC, Actavis LLC dated March 4, 2013, which was produced by Actavis and which is Bates numbered Actavis-Int-0080445 through Actavis-Int-0080491.

53. Attached as **Exhibit 164** is a draft Settlement Agreement by and Among Shire LLC, Supernus Pharmaceuticals, Inc., AMY F.T. Arnsten, Ph.D., Pasko Rakic, M.D., Robert D. Hunt, M.D. and Actavis, Inc., Watson Laboratories, Inc.-Florida, Watson Pharma, Inc., ANDA, Inc., Actavis Elizabeth LLC, Actavis LLC dated March 7, 2013, which was produced by Actavis and which is Bates numbered Actavis-Int-0080554 through Actavis-Int-0080606.

54. Attached as **Exhibit 165** is an email from Andrea Sweet to cal@avhlaw.com et al dated March 22, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0081077 through Actavis-Int-0081079.

55. Attached as **Exhibit 166** is Decisions and Action Summary dated March 12, 2012, which was produced by Actavis and which is Bates numbered Actavis-Int-0082449.

56. Attached as **Exhibit 167** is an email from Jennifer Wu to Andrea Bowne et al dated October 12, 2011, which was produced by Actavis which is Bates numbered Actavis-Int-0087878.

57. Attached as **Exhibit 168** is a draft Settlement Agreement by and Among Shire LLC, Supernus Pharmaceuticals, Inc., AMY F.T. Arnsten, Ph.D., Pasko Rakic, M.D., Robert D. Hunt, M.D. and Actavis, Inc., Watson Laboratories, Inc.-Florida, Watson Pharma, Inc., ANDA, Inc., Actavis Elizabeth LLC, Actavis LLC dated February 4, 2013, which was produced by Actavis and which is Bates numbered Actavis-Int-0088280 through Actavis-Int-0088328.

58. Attached as **Exhibit 169** is an email from David Banchik to Amy Hulina dated April 15, 2013, which was produced by Actavis which is Bates numbered Actavis-Int-0089794.

59. Attached as **Exhibit 170** is an email from Matthew Becker dated July 24, 2012,



which was produced by Actavis and which is Bates numbered Actabis-Int-0091848.

60. Attached as **Exhibit 171** is U.S. Patent Number 5,854,290 dated December 29, 1988, which was produced by Actavis and which is Bates numbered Actavis-Int-0092397 through Actavis-Int-0092409.

61. Attached as **Exhibit 172** is an email chain from Jennifer Wu dated August 21, 2012, which was produced by Actavis and which is Bates numbered Actavis-Int-0101980 through Actavis-Int-010983.

62. Attached as **Exhibit 173** is an email chain from Jennifer Wu dated December 14, 2012, which was produced by Actavis and which is Bates numbered Actavis-Int-0102213 through Actavis-Int-0102214.

63. Attached as **Exhibit 174** is an excerpt of Decision and Action Summary dated April 16, 2012 (incorrectly dated April 2, 2012), which was produced by Actavis and which is Bates numbered Actavis-Int-0103564.

64. Attached as **Exhibit 175** is an email chain from Dhaval Patel dated August 22, 2013, which was produced by Actavis which is Bates numbered Actavis-Int-0110007 through Actavis-Int-0110008.

65. Attached as **Exhibit 176** is an email from Meghan Strouss dated October 3, 2013, which was produced by Actavis which is Bates numbered Actavis-Int-0110311.

66. Attached as **Exhibit 177** is an email chain from Dick Vukmanovich dated July 21, 2014, which was produced by Actavis which is Bates numbered Actavis-Int-0111039 through Actavis-Int-0111040.

67. Attached as **Exhibit 178** is Actavis's generic Intuniv forecast dated May 31, 2013, which was produced by Actavis which is Bates numbered Actavis-Int-0114022.

68. Attached as **Exhibit 179** is Actavis's generic Intuniv forecast dated January 30,

2013, which was produced by Actavis which is Bates numbered Actavis-Int-0121778.

69. Attached as **Exhibit 180** is Actavis's generic Intuniv forecast dated July 30, 2014, which was produced by Actavis which is Bates numbered Acatavis-Int-0121786.

70. Attached as **Exhibit 181** is Actavis's generic Intuniv forecast dated November 20, 2014, which was produced by Actavis which is Bates numbered Actavis-Int-0121787.

71. Attached as **Exhibit 182** is an excerpt of Actavis's generic Intuniv forecast dated December 10, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0121839.

72. Attached as **Exhibit 183** is Actavis's generic Intuniv forecast dated May 22, 2013, which was produced by Actavis which is Bates numbered Actavis-Int-0121840.

73. Attached as **Exhibit 184** is an email from Richard Vukmanovich dated September 18, 2014, attaching New Product Launch Meeting Minutes dated September 11, 2014, which was produced by Actavis which is Bates numbered Actavis-Int-0138783.

74. Attached as **Exhibit 185** is an email from Roy Papatheodorou to David Buchen dated July 25, 2012 dated July 25, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0147051.

75. Attached as **Exhibit 186** is U.S. Patent Number 6,287,599 dated September 11, 2001, which was produced by Actavis which is Bates numbered Actavis-Int-0161424 through Actavis-Int-0161431.

76. Attached as **Exhibit 187** is a letter from Marcie McClintic Coates, Mylan Pharmaceuticals to Keith Webber, Ph.D., Office of Generic Drugs, CDER, FDA dated November 30, 2010, which was produced by Mylan which is Bates numbered MYLGUAN\_0000293 through MYLGUAN\_0000294.

77. Attached as **Exhibit 188** is a letter from Vince Suneja, Mylan Pharmaceuticals

to Keith Webber, Ph.D., Office of Generic Drugs, CDER, FDA, dated October 31, 2011, which was produced by Mylan which is Bates numbered MYLGUAN\_0005764 through MYLGUAN\_0005766.

78. Attached as **Exhibit 189** is an email from Doug Boothe to Theresa Wozniak et al dated December 28, 2009, which was produced by Shire which is Bates numbered SHIREINT0014230 through SHIREINT0014231.

79. Attached as **Exhibit 190** is a letter from Nicholas Tantillo to Jack Khattar dated March 12, 2010, which was produced by Shire which is Bates numbered SHIREINT0023957 through SHIREINT0023974.

80. Attached as **Exhibit 191** is the transcript of the February 3, 2012 deposition of Amy Arnsten in *Shire LLC v. Teva Pharmaceuticals USA, Inc.*, which was produced by Shire which is Bates numbered SHIREINT0086292 through SHIREINT0086417.

81. Attached as **Exhibit 192** is U.S. Patent Number 6,811,794 dated November 2, 2004, which was produced by Shire which is Bates numbered SHIREINT0107431 through SHIREINT0107441.

82. Attached as **Exhibit 193** is an untitled PowerPoint presentation created on May 22, 2012, which was produced by Shire which is Bates numbered SHIREINT0142648 through SHIREINT0142667.

83. Attached as **Exhibit 194** is a document from Citi Research, "Intunive Overhang Examined; Near-term Settlement Likely," dated July 3, 2012, which was produced by Shire which is Bates numbered SHIREINT0148456 through SHIREINT0148473.

84. Attached as **Exhibit 195** is a document entitled, "First Intuniv settlement reduces uncertainty," which was produced by Shire which is Bates numbered SHIREINT0148995 through SHIREINT0149005.

85. Attached as **Exhibit 196** is a document from Bank of America/Merrill Lynch, "Shire: Cautious mid-term outlook. Near-term balanced," which was produced by Shire which is Bates numbered SHIREINT0149006 through SHIREINT0149035.

86. Attached as **Exhibit 197** is Strategy and Long-Range Business Review dated October 23, 2012, which was produced by Shire which is Bates numbered SHIREINT015877 through SHIREINT0151942.

87. Attached as **Exhibit 198** is an email from Tatjana May to Angus Russell dated November 29, 2012 which was produced by Shire which is Bates numbered SHIREINT0154698 through SHIREINT0154700.

88. Attached as **Exhibit 199** is an email from Chantal Petit to David Baker et al dated June 14, 2010 with attachment, Shire Strategic Product Plan, which was produced by Shire which is Bates numbered SHIREINT0161548 through SHIREINT01615999.

89. Attached as **Exhibit 200** is an Answer and Counterclaims dated June 4, 2010 in *Shire LLC v. Actavis Elizabeth et al*, No. 10-cv-397 (D. Del.), ECF No. 9, which was produced by Shire which is Bates numbered SHIREINT0161739 through SHIREINT0161754.

90. Attached as **Exhibit 201** is a Shire document, J.P. Morgan Healthcare Conference, dated January 12, 2010, which was produced by Shire which is Bates numbered SHIRE0171468 through SHIREINT0171486.

91. Attached as **Exhibit 202** is an email from Ed Haug to James Harrington dated October 2, 2012 which was produced by Shire which is Bates numbered SHIREINT0183596 through SHIREINT0183599.

92. Attached as **Exhibit 203** is an email from Tatjana May et al to Gary Sender, et al dated April 5, 2013, which was produced by Shire which is Bates numbered SHIREINT0187544 through SHIREINT0187546.

93. Attached as **Exhibit 204** is Actavis's proposed revisions to Shire's proposed inserts provided to Tatjana May on March 27, 2013, which was produced by Shire which is Bates numbered SHIREINT0192748 through SHIREINT0192749.

94. Attached as **Exhibit 205** is an email from Tatjana May to David Buchen dated April 24, 2013 which was produced by Shire which is Bates numbered SHIREINT0198454 through SHIREINT0198455.

95. Attached as **Exhibit 206** is an email from Tatjana May to David Buchen dated March 26, 2013, which was produced by Shire which is Bates numbered SHIREINT0198821 through SHIREINT0198822.

96. Attached as **Exhibit 207** is a letter from Philip Erickson, Teva to Shire dated April 25, 2012, which was produced by Shire which is Bates numbered SHIREINT0201949 through SHIREINT0201953.

97. Attached as **Exhibit 208** is an email from David Herman to Don Mizerk dated August 23, 2012, which was produced by Shire which is Bates numbered SHIREINT0204328 through SHIREINT0204330.

98. Attached as **Exhibit 209** is a document, "Intuniv Team Strattera Action Plan," dated August 13, 2010, which was produced by Shire which is Bates numbered SHIREINT0208714 through SHIREINT0208724.

99. Attached as **Exhibit 210** is an excerpt of a forecast dated October 11, 2012, which was produced by Shire which is Bates numbered SHIREINT0211679.

100. Attached as **Exhibit 211** is an excerpt of an Actavis spreadsheet entitled "Guanfacine ER (GX Intuniv) - Shire Profit Sharing," for January through December 2014, which was produced by Shire which is Bates numbered SHIREINT0218203.

101. Attached as **Exhibit 212** is an email from Gary Sender to John Miller dated

April 25, 2013, which was produced by Shire which is Bates numbered SHIREINT0220480.

102. Attached as **Exhibit 213** is an email from John Miller to Sherri Cirota dated October 11, 2012, which was produced by Shire which is Bates numbered SHIREINT0221678

103. Attached as **Exhibit 214** is an excerpt from spreadsheet, Actavis's generic Intuniv forecast dated July 10, 2014, which was produced by Actavis which is Bates numbered Actavis-Int-0121785.

104. Attached as **Exhibit 215** is an email from John Neeley to Craig Lewis dated May 27, 2011, which was produced by Shire which is Bates numbered SHIREINT0225719 through SHIREINT0225721.

105. Attached as **Exhibit 216** is an email from Alicia Harrar to Leonard Fasullo dated September 13, 2012, which was produced by Shire which is Bates numbered SHIREINT0226364 through SHIREINT0226366.

106. Attached as **Exhibit 217** is an email from Alicia Harrar to Leonard Fasullo dated April 25, 2013, which was produced by Shire which is Bates numbered SHIREINT0226388 through SHIREINT0226389.

107. Attached as **Exhibit 218** is an email from Alicia Harrar to Nona Copeland dated June 17, 2013, which was produced by Shire which is Bates numbered SHIREINT0226618.

108. Attached as **Exhibit 219** is a document entitled "Global Supply Review," dated April 22, 2013, which was produced by Shire which is Bates numbered SHIREINT0226834

109. Attached as **Exhibit 220** is an email from John Miller to Gary Sender dated April 25, 2013, which was produced by Shire which is Bates numbered SHIREINT0253556.

110. Attached as **Exhibit 221** is an excerpt from a spreadsheet, forecast dated April 25, 2013, which was produced by Shire which is Bates numbered SHIREINT0253557.

111. Attached as **Exhibit 222** is an excerpt of a presentation, "Intuniv AG Scenarios,"

dated July 8, 2014, which was produced by Shire which is Bates numbered SHIEINT0255589.

112. Attached as **Exhibit 223** is an email from Tatjana May to David Banchik dated March 7, 2013, which was produced by Shire which is Bates numbered SHIREINT0255719 through SHIREINT0255721.

113. Attached as **Exhibit 224** is an email from Richard Lucas to Graham Hetherington dated July 3, 2012, which was produced by Shire which is Bates numbered SHIREINT0256134.

114. Attached as **Exhibit 225** is an excerpt from a spreadsheet, Shire Analysis of Intuniv Compound Annual Growth Rate (CAGR) dated July 2, 2012, which was produced by Shire which is Bates numbered SHIREINT0256135.

115. Attached as **Exhibit 226** is an email from Liliana Szymanska to John Miller dated April 26, 2013 with attached Intuniv Generic Analysis, which was produced by Shire which is Bates numbered SHIREINT0259782 through SHIREINT0259783.

116. Attached as **Exhibit 227** is Intuniv CMC meeting minutes dated February 20, 2014, which was produced by Shire which is Bates numbered SHIREINT0260256 through SHIREINT0260258.

117. Attached as **Exhibit 228** is an excerpt from Actavis's generic Intunive forecast dated February 26, 2014, which was produced by Actavis which is Bates numbered Actavis-Int-0110565.

118. Attached as **Exhibit 229** is an excerpt from Actavis spreadsheet entitled "Guanfacine ER (GX Intuniv) - Shire Profit Sharing," for January through December 2015, which was produced by Shire which is Bates numbered SHIREINT0262300.

119. Attached as **Exhibit 230** is an email from Scott Fruechtemeyer to Jason Baranski dated June 9, 2017, which was produced by Shire which is Bates numbered

SHIREINT0274305.

120. Attached as **Exhibit 231** is an email from Scott Fruechtemeyer to Jason Baranski dated June 15, 2017, which was produced by Shire which is Bates numbered SHIREINT0274311.

121. Attached as **Exhibit 232** is a document, Wholesaler Model Agreement Outline, dated June 15, 2017, which was produced by Shire which is Bates numbered SHIREINT0274312 through SHIREINT0274313.

122. Attached as **Exhibit 233** is an email from Scott Fruechtemeyer to Jason Baranski dated June 7, 2017, which was produced by Shire which is Bates numbered SHIREINT0274333 through SHIREINT0274334.

123. Attached as **Exhibit 234** is an email from Jason Baranski to Scott Fruechtemeyer dated June 8, 2017, which was produced by Shire which is Bates numbered SHIREINT0274470.

124. Attached as **Exhibit 235** is the signature page to Distribution and Supply Agreement (undated), which was produced by Shire which is Bates numbered SHIREINT0274755.

125. Attached as **Exhibit 236** is the signature page to Distribution and Supply Agreement (undated), which was produced by Shire which is Bates numbered SHIREINT0274814 through SHIREINT0274815.

126. Attached as **Exhibit 237** is an email from Scott Fruechtemeyer to Michael Riffitts dated March 7, 2017, which was produced by Shire which is Bates numbered SHIREINT0274903 through SHIREINT0274904.

127. Attached as **Exhibit 238** is a Distribution and Supply Agreement by and Between Shire LLC and Prasco, LLC dated November 18, 2016, which was produced by Shire



which is Bates numbered SHIREINT0275238 through SHIREINT0275293.

128. Attached as **Exhibit 239** is an Abbreviated New Drug Application 1.3.5 Patent and Exclusivity dated January 22, 2010, which was produced by Teva which is Bates numbered Teva-Int-0003216 through Teva-Int-0003218.

129. Attached as **Exhibit 240** is Teva Patent Certification dated April 24, 2012, which was produced by Teva which is Bates numbered Teva-Int-0010093.

130. Attached as **Exhibit 241** is Teva's tentative approval letter regarding patent certification dated April 23, 2013, which was produced by Teva which is Bates numbered Teva-Int-0011231 through Teva-Int-0011235.

131. Attached as **Exhibit 242** is an email from Souheil Salah to Adam Brown et al dated July 5, 2012, which was produced by Shire which is Bates numbered SHIREINT0149357 through SHIREINT0149358.

132. Attached as **Exhibit 243** is an excerpt from a spreadsheet, forecast dated November 5, 2014, which was produced by Shire which is Bates numbered SHIREINT0255425.

133. Attached as **Exhibit 244** is an email from Gary Sender to Graham Hetherington dated December 23, 2013, which was produced by Shire which is Bates numbered SHIREINT0166342 through SHIREINT0166343, and attaching GS 2013 Performance Management Form with Accomplishment, which was produced by Shire which is Bates numbered SHIREINT0166343, SHIREINT0166344, SHIREINT0166344\_0002 through SSHIRE0166344\_0007.

134. Attached as **Exhibit 245** is a document, Proposed Structure of Intuniv AG, dated February 27, 2013, which was produced by Shire which is Bates numbered SHIREINT0175500 through SHIREINT0175501 through SHIREINT0175501.

135. Attached as **Exhibit 246** is an email from Gary Sender to Flemming Ornskov dated April 27, 2013, which was produced by Shire which is Bates numbered SHIREINT0166325

136. Attached as **Exhibit 247** is an email from Sherri Ciota to John Miller dated October 22, 2012, which was produced by Shire which is Bates numbered SHIREINT0219179.

137. Attached as **Exhibit 248** is a redline comparison of the 2016 and 2017 Lialda agreements.

138. Attached as **Exhibit 249** is an excerpt from a spreadsheet, Actavis's generic Intuniv forecast dated June 24, 2014, which was produced by Actavis which is Bates numbered Actavis-Int-0110938.

139. Attached as **Exhibit 250** is an excerpt from a Shire forecast dated June 20, 2014, which was produced by Shire which is Bates numbered SHIREINT0213351.

140. Attached as **Exhibit 251** is an excerpt from a Shire forecast dated July 22, 2014, which was produced by Shire which is Bates numbered SHIREINT0214854.

141. Attached as **Exhibit 252** is an excerpt from a spreadsheet, Shire forecast dated April 7, 2014, which was produced by Shire which is Bates numbered SHIREINT02144949.

142. Attached as **Exhibit 253** is a document, SHIRE ADHD PORTFOLIO LEARNING PROGRAM, December 2010, which was produced by Shire which is Bates numbered SHIREINT0184451 through SHIREINT0184549.

143. Attached as **Exhibit 254** is an email from Gary Sender from Eric Rojas dated January 11, 2010, which was produced by Shire which is Bates numbered SHIREINT0172209 through SHIREINT0172210

144. Attached as **Exhibit 255** is the transcript of the October 9, 2018 deposition of Leonard Fasullo.

145. Attached as **Exhibit 256** is an email from Bose Analytics to Anderson Graziano et al, dated July 8, 2014, which was produced by Shire which is Bates numbered SHIREINT0215880.

146. Attached as **Exhibit 257** is a United States Securities and Exchange Commission Form 10-Q for Shire PLC for the quarterly period ending March 31, 2012, which was produced by Shire which is Bates numbered SHIREINT0272751 through SHIREINT0272805.

147. Attached as **Exhibit 258** is a United States Securities and Exchange Commission Form 10-K for Shire PLC for the fiscal year ending December 31, 2007, which was produced by Actavis which is Bates numbered Actavis-Int-0051239 through Actavis-Int-0051423.

148. Attached as **Exhibit 259** is a United States Securities and Exchange Commission Form 10-K for Shire PLC for the fiscal year ending December 31, 2008, which was produced by Actavis which is Bates numbered Actavis-Int-0051424 through Actavis-Int-0051634.

149. Attached as **Exhibit 260** is ECF No. 72-2 filed in No. 16-cv-12653.

150. Attached as **Exhibit 261** is the Shire PLC Half Yearly Report 2010, which was produced by Actavis which is Bates numbered Actavis-Int-0020699 through Actavis-Int-0020748.

151. Attached as **Exhibit 262** is Shire sales data identifying Massachusetts Medicaid program as Intuniv customer, which was produced by Shire which is Bates numbered SHIREINT0275834.

152. Attached as **Exhibit 263** is Actavis sales data, which was produced by Actavis which is Bates numbered Actavis-Int-0078019.

153. Attached as **Exhibit 264** is a publication, Phillip B. Chappell et al., “Guanfacine Treatment of Comorbid Attention-Deficit Hyperactivity Disorder and Tourette’s Syndrome: Preliminary Clinical Experience,” 34(9) J. AM. ACAD. CHILD ADOLESC. PSYCHIATRY 1140 (1995), which was produced by Actavis which is Bates numbered Actavis-Int-0080619 through Actavis-Int-0080627.

154. Attached as **Exhibit 265** is European Patent Application 0266707, Sustained Release Labetalol Tablet, published May 11, 1988, which was produced by Actavis which is Bates numbered Actavis-Int-0080646.

155. Attached as **Exhibit 266** is a publication, Robert D. Hunt et al., “An Open Trial of Guanfacine in the Treatment of Attention-Deficit Hyperactivity Disorder,” 34(1) J. AM. ACAD. CHILD ADOLESC. PSYCHIATRY 50 (1995), which was produced by Actavis which is Bates numbered Actavis-Int-0080960 through Actavis-Int-0080964.

156. Attached as **Exhibit 267** is a publication, K.E. Gabr, “Effect of Organic Acids on the Release Patterns of Weakly Basic Drugs from Inert Sustained Release Matrix Tablets,” 38(6) Eur. J. Pharm. Biopharm. 199 (1993), which was produced by Actavis which is Bates numbered Actavis-Int-0082200 through Actavis-Int-0082205.

157. Attached as **Exhibit 268** is a publication, Edward Rudnic and Joseph B. Schwartz, “Oral Solid Dosage Forms,” in REMINGTON: THE SCIENCE AND PRACTICE OF PHARMACY 1615 (1995), which was produced by Shire which is Bates numbered SHIREINT0002678 through SHIREINT0002730.

158. Attached as **Exhibit 269** is patent trial exhibit DTX 237, J.R. Kiechel, “Pharmacokinetics and Metabolism of Guanfacine in Man: A Review,” 10 BR. J. CLIN. PHARMA. 25S, 25S-32S (1980), which was produced by Shire which is Bates numbered SHIREINT0002731 through SHIREINT0002738.

159. Attached as **Exhibit 270** is the Expert Report of Mansoor M. Amiji on behalf of Teva, dated March 28, 2012, which was produced by Shire which is Bates numbered SHIREINT0102165 through SHIREINT0102180.

160. Attached as **Exhibit 271** is the Expert Report of Michael J. Cima on behalf of Actavis dated March 28, 2012, which was produced by Shire which is Bates numbered SHIREINT0103423 through SHIREINT0103495.

161. Attached as **Exhibit 272** is the Expert Report of Martyn C. Davies on behalf of Shire dated March 28, 2012, which was produced by Shire which is Bates numbered SHIREINT0112352 through SHIREINT0112389.

162. Attached as **Exhibit 273** is the Expert Report of Stephen R. Byrn on behalf of Shire dated March 28, 2012, which was produced by Shire which is Bates numbered SHIREINT0113356 through SHIREINT0113402.

163. Attached as **Exhibit 274** is the Reply Expert Report of Mansoor M. Amiji on behalf of Teva dated April 18, 2012, which was produced by Shire which is Bates numbered SHIREINT0114297 through SHIREINT0114337.

164. Attached as **Exhibit 275** is the Expert Report of Anthony Lowman on behalf of Actavis dated April 18, 2012, which was produced by Shire which is Bates numbered SHIREINT0120411 through SHIREINT0120475.

165. Attached as **Exhibit 276** is a publication, K. Goracinova, et al., "pH Independent Controlled Release Matrix Tablets with Weakly Basic Drugs as Active Substances. Effect of Incorporated Acids," 14(1) Bull. Chem. Tech. Macedonia 23 (1995), which was produced by Shire which is Bates numbered SHIREINT0126753 through SHIREINT0126760.

166. Attached as **Exhibit 277** is International Patent Application WO 99/66904 "Incorporation of Latent Acid Solubilizing Agents in Coated Pellet Formulations to Obtain pH

Independent Release,” published December 29, 1999, which was produced by Shire which is Bates numbered SHIREINT0126761 through SHIREINT0126784.

167. Attached as **Exhibit 278** is the Rebuttal Expert Report of Michael J. Cima on behalf of Actavis dated May 2, 2012, which was produced by Shire which is Bates numbered SHIREINT0129867 through SHIREINT0129917.

168. Attached as **Exhibit 279** is Exhibit 4 to Pretrial Order, Defendants Actavis Elizabeth LLC’s and Actavis, Inc.’s Statement of Issues of Fact that Remain to be Litigated, in *Shire LLC v. Teva Pharmaceuticals USA, Inc.*, which was produced by Shire which is Bates numbered SHIREINT0206894 through SHIREINT0206949.

169. Attached as **Exhibit 280** is Exhibit 11 to Pretrial Order, Defendants’ Joint Exhibit List and Plaintiffs’ Objections in *Shire LLC v. Teva Pharmaceuticals USA, Inc.*, which was produced by Actavis which is Bates numbered Actavis-Int-0027580 through Actavis-Int-0027607.

170. Attached as **Exhibit 281** is U.S. Patent No. 4,792,452 dated December 20, 1988, which was produced by Shire which is Bates numbered SHIREINT0126785 through SHIREINT0126789.

171. Attached as **Exhibit 282** is *In re Lidoderm Antitrust Litig.*, No. 3:14-md-02521-WHO (N.D. Cal.), ECF No. 746 dated June 6, 2017.

172. Attached as **Exhibit 283** are excerpts from Shire privilege log.

173. Attached as **Exhibit 284** is patent trial exhibit DTX 181, a publication, Phillip B. Chappell et al., “Guanfacine Treatment of Comorbid Attention-Deficit Hyperactivity Disorder and Tourette’s Syndrome: Preliminary Clinical Experience,” 34(9) J. AM. ACAD. CHILD ADOLESC. PSYCHIATRY 1140 (1995), which was produced by Actavis which is Bates numbered Actavis-Int-0027778 through Actavis-Int-0027786.

174. Attached as **Exhibit 285** is patent trial exhibit DTX 226, European Patent Application 0266707, Sustained Release Labetalol Tablet, published May 11, 1988, which was produced by Shire which is Bates numbered SHIREINT0002627 through SHIREINT0002639.

175. Attached as **Exhibit 286** is patent trial exhibit DTX 182, a publication, Robert D. Hunt et al., "An Open Trial of Guanfacine in the Treatment of Attention-Deficit Hyperactivity Disorder," 34(1) J. AM. ACAD. CHILD ADOLESC. PSYCHIATRY 50 (1995), which was produced by Shire which is Bates numbered SHIREINT000194 through SHIREINT0001998.

176. Attached as **Exhibit 287** is patent trial exhibit DTX 227, a publication, K.E. Gabr, "Effect of Organic Acids on the Release Patterns of Weakly Basic Drugs from Inert Sustained Release Matrix Tablets," 38(6) Eur. J. Pharm. Biopharm. 199 (1993), which was produced by Actavis which is Bates numbered Actavis-Int-0046129 through Actavis-Int-0046134.

177. Attached as **Exhibit 288** is patent trial exhibit DTX 234, a publication, Edward Rudnic and Joseph B. Schwartz, "Oral Solid Dosage Forms," in REMINGTON: THE SCIENCE AND PRACTICE OF PHARMACY 1615 (1995), which was produced by Shire which is Bates numbered SHIREINT0002678 through SHIREINT0002730.

178. Attached as **Exhibit 289** is patent trial exhibit DTX 237, a publication, J.R. Kiechel, "Pharmacokinetics and Metabolism of Guanfacine in Man: A Review," 10 BR. J. CLIN. PHARMA. 25S, 25S-32S (1980) which was produced by Shire which is Bates numbered SHIREINT0002731 through SHIREINT0002738.

179. Attached as **Exhibit 290** is patent trial exhibit DTX 228, a publication, K. Goracinova, et al., "pH Independent Controlled Release Matrix Tablets with Weakly Basic Drugs as Active Substances. Effect of Incorporated Acids," 14(1) Bull. Chem. Tech. Macedonia

23 (1995), which was produced by Shire which is Bates numbered SHIREINT0002646 through Shireint0002653.

180. Attached as **Exhibit 291** is patent trial exhibit DTX 229, International Patent Application WO 99/66904, "Incorporation of Latent Acid Solubilizing Agents in Coated Pellet Formulations to Obtain pH Independent Release," published December 29, 1999, which was produced by Shire which is Bates numbered SHIREINT0002654 through SHIREINT0002677.

181. Attached as **Exhibit 292** is patent trial exhibit DTX 183, U.S. Patent Number 5,854,290 dated December 29, 1988, which was produced by Shire which is Bates numbered SHIREINT0001999 through SHIREINT0002011.

182. Attached as **Exhibit 293** is patent trial exhibit PTX1, U.S. Patent Number 6,287,599 dated September 11, 2001, which was produced by Shire which is Bates numbered SHIREINT0003041 through SHIREINT0003048.

183. Attached as **Exhibit 294** is patent trial exhibit PTX 2, U.S. Patent Number 6,811,794 dated November 2, 2004, which was produced by Shire which is Bates numbered SHIREINT0003049 through SHIREINT0003060.

Executed this 29th day of October, 2019, under the pains and penalties of perjury.

/s/ **Lauren G. Barnes**

Lauren G. Barnes



**CERTIFICATE OF SERVICE**

I, Lauren G. Barnes, certify that, on this date, the foregoing document was served by filing it on the Court's CM/ECF system, which will automatically send a notification of such filing to all counsel of record via electronic mail.

Dated: October 29, 2019

/s/ **Lauren G. Barnes**

Lauren G. Barnes